

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. ORD 07-08-28E**

**ZONING OF MARINA VILLAGE**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY ADOPTING ZONING REGULATIONS FOR A 4.42 ACRE TRACT IN ZONE 14 KNOWN AS MARINA VILLAGE; ESTABLISHING ZONE BOUNDARIES; REQUIRING A TRAFFIC STUDY, PARKING STUDY, AND DEVELOPMENT AGREEMENT AS CONDITIONS TO DEVELOP; ENACTING CERTAIN DEVELOPMENT STANDARDS AND LAND USE REGULATIONS; AMENDING THE ZONING MAP; AND PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** on April 27, 2006, the City Council adopted Ordinance No. 06-04-27 establishing a moratorium in Zones 13 and 14, (“the Moratorium”) which Moratorium has been extended by agreement of the City and the Owner of the property located in Zones 13 and 14, and remains in effect; and

**WHEREAS,** on June 20, 2006, the City Council adopted Ordinance No. 06-06-20 establishing zoning regulations for those areas and subdivisions in the City not subject to the moratorium; and

**WHEREAS,** the Owner of Zones 13 and 14 continues to agree to have the Moratorium extended in Zones 13 and 14 in order to facilitate the orderly development of the entire area, the Owner has requested a 4.42 acre tract be removed from the Moratorium and that zoning regulations be established for such tract located in Zone 14, and which will be in Zone 4 when the Moratorium no longer affects that tract; and

**WHEREAS,** the Owner and the City Council agree that such property covered by the Moratorium needs to be developed in a comprehensive and orderly manner and comporting with both the City’s Comprehensive Plan and an overall master plan for development of the Moratorium property; and

**WHEREAS,** the Owner understands and agrees that full analysis for development and construction of such 4.42 acre tract cannot be assessed by the City without a complete understanding of the entire master plan for the Moratorium property; and

**WHEREAS,** the City Council is of the opinion that the establishment of zoning regulations for the 4.42 acre tract is in the best interests of the City of Horseshoe Bay to ensure the proper development of the area which will ultimately be encompassed by a master development plan for the property subject to the Moratorium; and

**WHEREAS**, notice of a public hearing scheduled for August 28, 2007, was published in an official newspaper or a newspaper of general circulation in the City before the 15<sup>th</sup> day before the date of the hearing; and

**WHEREAS**, the City Council conducted a public hearing on the establishment of zoning regulations for the 4.42 acre tract on August 28, 2007; and

**WHEREAS**, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Horseshoe Bay to adopt an ordinance regulating land use and development within the 4.42 acre tract;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY that:**

### **I. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

### **II. AREA ZONED**

This Ordinance shall apply to that one certain 4.42 acre tract to be known as Marina Village and described as follows:

4.42 Acres, being a 4.05 acre part of Tract AAA-7, being 0.37 acres, of Abstract 10650, Horseshoe Bay Proper, (Misc. Improvements at Conference Center), both as depicted on the GIS Map of the Llano County Appraisal District, as recorded in Vol. 0728, Page 0225, Deed Records of Llano County, Texas

Marina Village is contained within Zone 4.

### **III. CONDITIONS OF ZONING**

The zoning regulations contained in this Ordinance are conditioned on the following:

- (a) Presentation by the Owner of Marina Village and submission to the City, prior to commencement of construction of any improvement in Marina Village, of a Master Development Plan to be prepared by HSB Resort Ltd. , the present owner of the property subject to the Moratorium, for all of the property included in the Moratorium, including Marina Village, together with a traffic study that describes the amount, type and location of vehicular traffic that will result from the desired development pursuant to the Master Development Plan and Marina Village; assesses the impacts of such desired development on the surrounding road and street infrastructure of the City; the effect of such desired development on traffic conditions, congestion, and travel time in the area; the effect of such desired development on fire service times and accessibility; recommended modifications of existing infrastructure and traffic control devices, if any, as a result of development of the property included in the Moratorium and Marina Village; identification of streets and other traffic facilities that may need to be

constructed in order to adequately serve the vehicular traffic needs of the property included in the Moratorium and Marina Village and the surrounding environs; identification of easements or other property interests that must be acquired by the City in order to adequately serve the traffic needs of the property included in the Moratorium and Marina Village and the surrounding environs; and an analysis of the adequacy and appropriateness of the zoning regulations contained in this Ordinance as the same relates to vehicular traffic.

(b) Preparation by the Owner of Marina Village or by Horseshoe Bay Resort Ltd., and submission to the City, prior to commencement of construction of any improvement in Marina Village, of a parking study that describes the amount, type and location of parking spaces that will be required as a result of the desired development of Marina Village relative to the surrounding environs, recommended modifications of existing parking facilities, if any, as a result of the desired development of Marina Village and the surrounding environs; identification of buffers or landscaping that will adequately screen and protect the surrounding environs from the parking facilities that will be necessary to serve the anticipated development of Marina Village and the surrounding environs; an analysis of the adequacy and appropriateness of the zoning regulations contained in this Ordinance as the same relate to parking space requirements and minimums.

(c) Preparation by the Owner of Marina Village or by Horseshoe Bay Resort Ltd., and submission to the City for its review and approval, prior to commencement of construction of any improvement in Marina Village, a detailed Site Plan that depicts the nature, type and location of all structures and facilities that are planned for construction in Marina Village in compliance with the zoning regulations contained in this Ordinance.

(d) Preparation and execution by the Owner of Marina Village and the City Council, prior to commencement of construction of any improvement in Marina Village, of a Development Agreement that describes the responsibilities and activities of both the Owner of Marina Village and the City of Horseshoe Bay regarding the nature, type, and location of the structures and infrastructure facilities as shown on the Site Plan for Marina Village in compliance with the zoning regulations contained in this Ordinance and other City policies and regulations. Such Development Agreement shall include a showing of the existence of adequate fire protection services, equipment, and resources in or within an acceptable distance from the City capable of providing fire suppression to buildings constructed to the height depicted in the Site Plan of greater than forty (40) feet above the highest natural contour of the applicable lot, if any. Further, such Development Agreement shall demonstrate that the natural sunlight on or the views from the existing and surrounding residential or commercial facilities will not be blocked or impaired by any building constructed to the height depicted in the Site Plan if greater than forty (40) feet above the highest natural contour of the applicable lot, if any.

#### **IV. ZONING REGULATIONS**

The following provisions shall be applicable to all land within Marina Village classified as Mixed Use Residential Multi Family and Commercial ("MURC-1"):

(a) Uses Permitted:

- (1) Townhouses or Condominium Residential Dwelling Units;
- (2) Retail or wholesale stores or businesses not involving any kind of manufacture, processing, or treatment of products other than that which is clearly incidental to the retail or wholesale business conducted on the premises not to exceed five thousand (5,000) square feet in size for any single building, and which is compatible with the uses permitted below;
- (3) Automobile parking areas;
- (4) Restaurants, tea rooms and cafes, including those offering on and off premises sale of alcoholic beverages, where the law provides;
- (5) Office, professional and general business;
- (6) Health club, health spa, exercise/fitness center;
- (7) Accessory structures necessary to such use erected upon the same lot.

(b) Maximum Building Height: The maximum building height shall be thirty-two (32) feet above the natural contour of the applicable lot; provided that in the case of a multiple dwelling complex containing more than twenty (20) dwelling units, a maximum of three (3) stories, or forty (40) feet above the highest natural contour of the applicable lot. Approval of up to two or more additional stories may be requested and may be approved if depicted on the Site Plan and authorized by the Development Agreement.

(c) Minimum Yard Requirements:

- (1) Front setback lines shall be twenty-five (25) feet from Horseshoe Bay Blvd.
- (2) Rear setback (waterfront) for the building unit foundations shall be up to the edge of the 825' contour line along Lake LBJ. All buildings shall be at a minimum elevation of 827'.

- (3) Side setback lines shall be ten (10) feet. The minimum distance between buildings shall be twenty-five (25) feet provided that where fire lanes are required the minimum distance between buildings shall be thirty (30) feet.
- (d) Maximum Area of Building Footprint: Notwithstanding uses permitted herein, no more than sixty percent (60%) of the total lot area shall be used for the dwelling units and other structures.
- (e) Minimum Dwelling Unit Size: The minimum living area of each dwelling unit shall consist of at least fifteen hundred (1500) square feet of living area, excluding covered porches or contiguous patios.
- (f) Minimum Commercial Unit Size: The minimum area of each commercial unit shall consist of at least fifteen hundred (1500) square feet of a/c and heating area.
- (g) Parking Minimums: Unless shown by the parking study to be different, a minimum of two (2) parking spaces per 2 and 3 bed residential dwelling unit and 4 parking spaces per 6 bedroom residential dwelling unit are required. A minimum of one (1) parking space per 250 square feet of commercial space is required. A minimum of one (1) parking space per ten (10) commercial marina boat slips is required.
- (h) Roofing Material: Deck roofs which are nearly flat and without parapet walls shall be permitted. Pitched roofs shall be constructed of concrete or clay tile or standing seam sheet metal with no visible screws or fasteners, and shall be properly installed on a suitable slope, and asphalt, asbestos, wood and/or fiberglass shingles shall not be permitted. Other than deck roofs, no visible flat roofs and/or visible tar and gravel roofs shall be permitted on any building or structure constructed on any Lot.
- (i) Masonry: All buildings shall be constructed of at least seventy-five percent (75%) masonry. The exterior portion of all walls that are not masonry shall be painted or stained immediately upon completion or shall have color mixed in the final structural application, excepting acceptable woods that are commonly used without such finishes, so that all such materials shall have a finished appearance. No plywood, pressboard, particle board, or similar type of material shall be used on any exterior wall or any structure.

## **V. ZONING MAP AMENDED**

The official Zoning District Map of the City of Horseshoe Bay hereto adopted be and is hereby amended to reflect the zoning change made herein.

## VI. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

## VII. SEVERABILITY

If any section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance be found to be illegal, invalid or unconstitutional, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this PD Ordinance and would have rezoned the property without the invalid part, and as to this end the provisions of this PD Ordinance are declared to be severable.

## VIII. EFFECTIVE DATE

This Ordinance shall be in full force and effective from and after its date of passage, in accordance with law.

**ADOPTED AND APPROVED** on this 28<sup>th</sup> day of August, 2007 by a vote of the City Council of the City of Horseshoe Bay, Texas.

# CITY OF HORSESHOE BAY, TEXAS

/S/

**Robert W. Lambert, Mayor**

**Attest:**

/S/

**Toni Vanderburg, City Secretary**